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August 17, 2022

BY ECF

The Honorable Loretta A. Preska
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2220
New York, New York 10007

Petersen Energía Inversora, S.A.U. and Petersen Energía, S.A.U.
v. Argentine Republic and YPF S.A.
Case No. 1:15-cv-02739 (LAP); and

Eton Park Capital Management L.P., Eton Park Master Fund, Ltd.,
and Eton Park Fund, L.P. v. Argentine Republic and YPF S.A.
Case No. 1:16-cv-08569 (LAP)

Dear Judge Preska:

We write on behalf of proposed *Amicus Curiae* the Chamber of Companies (*Cámara de Sociedades*) (“CS”) in brief response to the correspondence from Plaintiffs’ counsel of yesterday evening [ECF 359, 430] concerning CS’s motion to submit an *amicus* brief in these proceedings.

Plaintiffs’ counsel attaches to its correspondence a news article in the Argentine press in support of the proposition that “that some CS members were surprised to learn of the brief’s filing and would prefer not to be involved in this litigation. *See* Sofía Diamante, Nationalization: some companies surprised by defense by organization of YPF in New York Court (Aug. 11, 2022).” Notwithstanding the hearsay nature of this allegation, CS can report that not a single member company has made any complaint about or stated any disagreement



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with CS's board's decision to proceed as proposed *Amicus Curiae* in these proceedings.¹ Of course, even if there were a minority of CS member companies that might not agree with the board's decision (of which, again, CS has no evidence), that would hardly mean that CS's board's decision – like any other bona fide board decision – lacks force and effect.

Moreover, we note that the news article relied on by Plaintiffs contained various errors and misquoted certain statements made to the reporter by CS's Executive Director. Indeed, the same reporter subsequently filed a revised version of the article on August 15, 2022, a copy of which is attached as Exhibit A. *See* Sofía Diamante, *Nationalization: some companies surprised by defense by organization of YPF in New York Court* (Aug. 11, 2022), <https://www.lanacion.com.ar/economia/estatizacion-sorpresa-entre-algunas-empresas-por-la-defensa-de-una-organizacion-a-ypf-en-un-tribunal-nid11082022/> (translation attached hereto as Exhibit A).²

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'DAB', with a stylized flourish at the end.

David A. Berger

Attachment
cc: All counsel of record (*via ECF*)

¹ In an effort to expedite this submission, we have not attached a declaration confirming that CS has received no such complaint, but we intend to file such a declaration shortly.

² Again, in the interest of expediency, the attached translation is not certified, but we will endeavor to provide a certified translation imminently.